

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric S. Replogle on 7/26/2010.

The application has been amended as follows:

#### Claim 9

A non-transitory tangible machine-accessible medium that stores instructions which, if executed by a processor, will cause the processor to perform operations comprising:

- splitting an incoming optical signal into a first and a second optical signals;
- sending the first and the second optical signals to a first and a second equipments in an optical network node, respectively, the second equipment being a protection module for the first equipment;
- monitoring a first and a second outgoing optical signals from the first and second equipment; and
- using a switch to select only one of the first and the second outgoing optical signals from the optical network node;

outputting the only one of the first and the second outgoing optical signals selected;

declaring a failure of the optical network node if only one of the first and the second outgoing optical signals has failed; and

if both of the first and the second outgoing optical signals have failed, determining a failure is outside of the optical network node, and maintaining a signal selection state of the switch to continue outputting the only one of the first and the second outgoing optical signals in the same direction without declaring that the optical network node has failed.

Claim 10

The non-transitory tangible machine-accessible medium of claim 9, wherein the operations further comprise:

bypassing the first equipment if the first optical signal has failed and the second optical signal has not failed; and

bypassing the second equipment if the second optical signal has failed and the first optical signal has not failed.

Claim 11

The non-transitory tangible machine-accessible medium of claim 10, wherein the operations further comprise sending an alarm if either the first or the second optical signal has failed.

Claim 12

The non-transitory tangible machine-accessible medium of claim 9, wherein the operations further comprise declaring a failure has occurred outside of the optical network node if both the first and second optical signals have failed.

*Reasons for Allowance*

2. Claims 1-24 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Prior art made of record fails to teach,

Regarding Claim 1

**if both of the first and the second outgoing optical signals have failed, determining a failure is outside of the optical network node, and maintaining a signal selection state of the switch to continue outputting the only one of the first and the second outgoing optical signals in the same direction without declaring that the optical network node has failed.**

Regarding Claim 9,

**if both of the first and the second outgoing optical signals have failed, determining a failure is outside of the optical network node, and maintaining a signal selection state of the switch to continue outputting the only one of the first**

**and the second outgoing optical signals in the same direction without declaring that the optical network node has failed.**

Regarding Claim 13,

**if both of the first and the second outgoing optical signals have failed, to determine a failure is outside of the optical network node, and a signal selection state of the respective optical signal switch remains unchanged to continue selecting the first output optical signal to output in the same direction without declaring that the optical network device has failed, wherein the plurality of optical signal switches are switched together substantially simultaneously.**

Regarding Claim 19,

**if both of the first and the second outgoing optical signals have failed, to determine a failure is outside of the optical network node, and a signal selection state of the respective optical signal switch remains unchanged to continue selecting the first output optical signal to output in the same direction without declaring that the optical network device has failed, wherein the plurality of optical signal switches are switched together substantially simultaneously.**

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to fault isolation in Optical Network in general:

(US-20090034963 or US-20050180316 or US-20050135810 or US-20040208578 or US-20040208506 or US-20040141741 or US-20040105136 or US-20030180047 or US-20030120983 or US-20020118410 or US-20020080440 or US-20020021659 or US-20020018616 or US-20010046074 ) or (US-7283748 or US-7283740 or US-7242860 or US-7197241 or US-7181137 or US-7174096 or US-7161898 or US-7126908 or US-7113698 or US-7099578 or US-6983108 or US-6980711 or US-6950215 or US-6947623 or US-6934469 or US-6917759 or US-6898376 or US-6868232 or US-6850515 or US-6847743 or US-6819875 or US-6775237 or US-6771908 or US-6754449 or US-6721502 or US-6556319 ) or (US-6477288 or US-6433900 or US-6307653 or US-5627837 or US-5594581 or US-5559622 or US-5539564 or US-5436750 or US-5130837 or US-5003531 or US-7257746 or US-6038678 )

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANNY W. LEUNG whose telephone number is (571)272-5504. The examiner can normally be reached on 10:00am-8:00pm Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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